

ETA Coronavirus (COVID-19) FAQs

The Employment and Training Administration (ETA) has developed a Frequently Answered Questions (FAQs) to address questions related to Coronavirus (COVID-19) to help state and local workforce leaders, and other stakeholders and partners to assist the public workforce system during this crisis.

ALL GRANTS

QUESTION #1

Is it an allowable charge to a grant if an employee works on COVID-19 related functions (i.e. sanitizing the building, etc.) and not grant-related functions?

RESPONSE ANSWER #1

Assisting in the cleaning and sanitizing of dedicated and common space that is used to house and serve program staff and participants is an allowable grant function.

QUESTION #2

Should states or local areas suspend all youth and adult work experience during this crisis, or determine the best course of action depending on the youth/adult and employer situations?

RESPONSE ANSWER #2

States and local areas should follow CDC and state and local government guidance in making determinations related to whether youth and adults should still be participating on work experiences, and should consider the environment in which the work is being conducted, and the chance for virus transmission. ETA understands that many activities including work experience may be suspended or impacted.

QUESTION #3

Can grantees shift to virtual services, such as e-learning, phone calls, and virtual meetings?

RESPONSE ANSWER #3

ETA programs provide flexibility to grantees in how they provide services. Grantees can choose the best method of continuing to deliver program services. Security of customer data and its transition as well as ease of customer access must be considered.

QUESTION #4

Can grant recipients continue to manage fiscal monitoring of sub-recipients remotely?

RESPONSE ANSWER #4

Monitoring and oversight can take many forms and may include remote or desk monitoring. The transmission of PII data may be done through encrypted email or cloud services, with the appropriate protections to prevent inappropriate disclosure.

QUESTION #5

If services are disrupted for a few weeks, will grantees be able to extend the period of performance so we can complete all planned grant activities?

RESPONSE ANSWER #5

For competitive discretionary grants, ETA understands some grant functions might need to be suspended for health and safety reasons. ETA will consider period of performance extensions. Please contact your Federal Project Officer to request such an extension if your grant ends within the next quarter. Include details about how and why COVID-19 disruptions impact the ability of the grant to finish timely. Otherwise, grantees may wait until they resume normal submit period of performance extension requests when they return to normal operations.

WIOA - General

QUESTION #1

Will ETA delay State Plan due dates?

RESPONSE ANSWER #1

Many states have already submitted State Plans. Therefore, ETA does not plan to issue a blanket extension for State Plans. However, states should contact their Federal Project Officer if they are concerned about meeting the April 1, 2020 deadline. Please note that while some state by-laws require the board to vote on the plan before submittal, such a vote, or an in-person vote, is not a WIOA requirement.

QUESTION #2

Should states continue to provide rapid response services for any layoff event impacting 50 or more employees in light of COVID-19?

RESPONSE ANSWER #2

States should continue to provide Rapid Response information to affected employees. However, this information can be shared electronically, such as in webinars. States have flexibility to provide this information through virtual or other limited in-person means. States should consult CDC guidance and local government directives about large gatherings.

QUESTION #3

Our local area uses benchmark timeframes, and contract payments are tied to benchmark attainment. Can USDOL extend these timeframes?

RESPONSE ANSWER #3

Local areas that established performance-based contracts with sub-recipients can renegotiate benchmarks, following existing state and local policies.

QUESTION #4

Can ETA ensure funding is received on time this year?

RESPONSE ANSWER #4

ETA is working to ensure a timely release of the WIOA Allotments guidance providing states with their funding levels. We anticipate that a Training and Employment Guidance Letter (TEGL) will be released in early April 2020.

QUESTION #5

If services are disrupted for a few weeks, will grantees be able to extend the period of performance so we can complete all planned grant activities?

RESPONSE ANSWER #5

Unfortunately, for WIOA PY 2017 grants ending June 30, 2020, due to the language in the WIOA statute 189(g)(2)(A), ETA cannot extend the period of performance for these grants.

WIOA Dislocated Worker Grants (DWGs)

QUESTION #1

Which entities are eligible to apply for a Disaster Recovery DWG under HHS Secretary Azar's public health emergency declaration for COVID-19?

RESPONSE ANSWER #1

Entities eligible to apply for Disaster Recovery DWGs are:

- ▶ States
- ▶ Outlying areas
- ▶ Indian Tribal Governments as defined in the Stafford Act (42 U.S.C. 5122(6))

Secretary Azar's declaration is "nationwide," so any eligible entity in any location may apply.

QUESTION #2

What activities must states carry out with Disaster Recovery DWGs under the COVID-19 public health emergency declaration?

RESPONSE ANSWER #2

WIOA sec. 170(d) generally requires that Disaster Recovery DWGs include disaster-relief employment, with the option for grantees to also conduct employment and training activities (which may include career, training, and supportive services) for workers eligible to participate in Disaster DWG activities.

QUESTION #3

Who can be served by Disaster Recovery DWGs under the coronavirus public health emergency declaration?

RESPONSE ANSWER #3

Eligible Disaster DWG participants for both disaster-relief employment and employment and training activities are:

- ▶ Dislocated workers
- ▶ Workers laid-off as a result of the disaster, including:
 - ▶ workers who are laid off as a result of a quarantine, because they miss work to care for a family member, or because they cannot come to their regular workplace in order to follow socially distance requirements; and
 - ▶ workers laid off after a business closure related to disruptions caused by the outbreak and the efforts to contain it.
- ▶ Self-employed individuals unemployed or underemployed because of the disaster
- ▶ Long-term unemployed individuals

QUESTION #4

For coronavirus, what types of disaster-relief employment are allowable?

RESPONSE ANSWER #4

Under WIOA sec. 170, disaster-relief employment is limited to one of two categories: cleanup activities or humanitarian assistance. Under a public health emergency declaration such as the coronavirus, the types of disaster-relief employment allowable might include:

- ▶ **Humanitarian assistance activities:** WIOA's allowance for disaster-relief employment to provide humanitarian assistance provides greatest range of potential disaster-relief employment activities for this public health emergency. Disaster-relief employees may assist in addressing many needs created by this public health emergency and the prolonged social isolation that is necessary to curb it, such as:
 - ▶ Delivering medicine, food, or other supplies to older individuals and other individuals with respiratory conditions and other chronic medical disorders, with appropriate training and precautions. Coronavirus infection has been the most harmful to these populations, and there may be heavy need for such services that traditional volunteer organizations cannot support alone.
 - ▶ Helping set up quarantine areas and providing assistance to quarantined individuals.
 - ▶ Organizing and coordinating recovery, quarantine, or other related activities.
- ▶ **Cleanup activities:** WIOA requires that cleanup activities respond to the impacts of the disaster. While this activity is more typical for tornadoes, fires, and floods, some clean-up activities are relevant to coronavirus response. For instance, cleanup activities can include cleaning schools or sanitizing quarantine or treatment areas after their use. If research determines that coronavirus is more likely to spread under certain physical conditions, Disaster Recovery DWG funds could additionally be used to help remedy these conditions.
 - ▶ By law, disaster-relief employment activities may only respond to or mitigate the impact of the disaster, which means grantees may not use DWG-funded disaster-relief employees to perform work aimed at preventing future disasters. We consider preventative measures—setting up quarantines, cleaning buildings—as mitigation activities because they avoid the further spread of the virus.

QUESTION #5

In addition to Disaster Recovery DWGs, can states apply for Employment Recovery DWGs in response to layoffs caused by cancellations or shutdowns caused by coronavirus?

RESPONSE ANSWER #5

Yes. Any layoffs caused by the virus' spread, or other economic causes, could be eligible for Employment Recovery DWGs. WIOA limits Employment Recovery DWGs to providing only employment and training activities.

As already allowed under WIOA statute and regulations, states can apply for Employment Recovery DWGs if the following events occur:

- ▶ If there are 50 or more individuals laid off by one employer.
- ▶ If there are significant layoffs that significantly increase unemployment in a given community, even if the total layoffs are fewer than 50 individuals. For example, a cancellation of a large event may qualify because several different businesses such as hotels, caterers, area restaurants may lay off workers as a result of the event's cancellation.

QUESTION #6

Can a state use funds from a previous Disaster Recovery DWG to fund disaster relief employment for COVID-19 response activities (e.g. packing food for seniors)?

RESPONSE ANSWER #6

Generally, Disaster Recovery DWGs may be expanded to include new disaster impacts if they fall within the same program year of the award of the initial disaster (see TEGl 12-19, page 8). If an existing Disaster Recovery DWG was awarded in a prior program year, appropriations law prohibits adding new emergencies to the existing Disaster Recovery DWG project. In such cases, ETA recommends that states requiring additional funding to address the COVID-19 public health emergency consider submitting new applications for DWG funds.

QUESTION #7

Can ETA release the full amount approved for DWG awards?

RESPONSE ANSWER #7

With the public health declaration and the FEMA emergency declaration, all states, outlying areas and Indian tribal entities are eligible to apply for Disaster Recovery DWG funds. Applicants may request Disaster Recovery DWGs through an abbreviated emergency application to facilitate timely delivery of DWG assistance in response to a disaster event. These applications should be submitted to ETA within 15 days of the declaration of a qualifying disaster declaration. With appropriate justification, applicants may request an exception to this requirement, to allow for the submission of the emergency application within a reasonable timeframe after Day 15. Applicants also have the option to submit a full application containing a budget and plan, in lieu of an emergency application. Within 60 business days following an award of Disaster Recovery DWG funds requested via an emergency application, the grantee must modify the grant to provide a full application. This includes a budget, implementation plan, and a list of worksites where the disaster relief work will be performed. ETA may also require the grantee to submit additional information per the special conditions of the initial DWG award. For additional information on the DWG application process, go to the following link:

https://www.doleta.gov/grants/application_howto.cfm

WIOA-American Job Centers

QUESTION #1

Since the President has declared a National Emergency, does this mean states are mandated to close the American Job Centers (AJC) if they are open?

RESPONSE ANSWER #1

No. The operation status of American Job Centers (AJC) is a state decision. However, ETA strongly encourages states to ensure critical services are provided through alternative means such as conference calls, electronic referrals, and video conferencing. Several states are adapting their services to continue to operate virtually.

QUESTION #2

If we are closing our AJC, should we inform anyone?

RESPONSE ANSWER #2

Yes, please inform your Regional Office of AJC or State Workforce Agency (SWA) closures. ETA will use this information to update the Service Locator website (<https://www.careeronestop.org/LocalHelp/service-locator.aspx>), and to update information disseminated by the Toll Free Helpline.

WIOA Performance

QUESTION #1

What steps will ETA take to account for a decrease in performance across programs/states as programs are closed for a significant period of time during the pandemic? Will States be penalized for performance issues?

RESPONSE ANSWER #1

The Departments of Education and Labor understand the challenges States may face meeting Program Year (PY) 2019 negotiated levels of performance given the circumstances surrounding COVID-19. As a reminder, as noted in ETA's Training and Employment Guidance Letter 11-19, *Negotiations and Sanctions Guidance for the Workforce Innovation and Opportunity Act (WIOA) Core Programs* the first year for which performance success or failure can be determined, for some of the primary indicators of performance, is PY 2020. No determinations of sanctions will be made based on the PY 2019 performance information. Furthermore, the Departments use a statistical adjustment model to calculate adjusted levels of performance at the end of the program year, which takes into account actual characteristics of participants served and the actual economic conditions experienced. The Departments will continue to closely monitor the effect of the COVID-19 outbreak and its impact on services and performance outcomes.

QUESTION #2

Will ETA consider delaying negotiations, as state offices may be closed for an unspecified period of time?

RESPONSE ANSWER #2

At this time, the Department of Labor anticipates that the negotiations process will proceed, and we will conduct negotiations with states. The Department of Labor anticipates that the negotiations between the ETA Regional Administrators and the states will begin in May 2020. The Department of Education has begun negotiations with States, and anticipates the process will continue throughout the Spring of 2020. The Departments anticipate negotiated levels of performance will be included in the approved State Plans. The Departments are aware that some State offices are closed and some States have implemented remote work. The Departments are also aware that State agency leadership and management staff may be involved with COVID-19 response efforts. As a result, the Departments will be as flexible as possible in conducting negotiations, including scheduling meetings at times that meet States' needs.

QUESTION #3

Does the WIOA statistical adjustment model address unusual situations such as what we are experiencing now with COVID-19?

RESPONSE ANSWER #3

The statistical model is intended to adjust for changes in economic conditions and participant characteristics; however, it is too soon to estimate the extent to which the models can address the effects of COVID-19 through these parameters. The Departments will closely monitor the impact of COVID-19 on grantee performance and service delivery and take all necessary and available action to ensure objectively fair performance assessments.

Performance – All Grants

QUESTION #1

COVID-19 will affect the numbers of people my grant can serve, and may impact performance. Will we grantees be held accountable for those performance measures? Will future FOAs that use previous performance as a scoring criteria take the COVID-19 related disruptions into account?

RESPONSE ANSWER #1

ETA understands there will be disruptions to services to participants that ultimately may impact performance. As ETA monitors these disruptions, ETA will provide guidance for competitive performance measures accordingly. ETA does not anticipate that these potential disruptions will affect current Funding Opportunity Announcements (FOA) awarded by June 30, 2020. These grant competitions generally use prior performance for activities that have already taken place, and would not be impacted by any COVID-19 related disruptions.

Trade Act, or Trade Adjustment Assistance (TAA), Programs

QUESTION #1

If a school shuts down and an individual cannot participate in online classes, does the state move the individual to a Work Search Status until the individual returns to school?

RESPONSE ANSWER #1

The State Workforce Agency should request an explanation as to why the individual cannot participate in online classes. If it is due to a lack of supplies (such as a computer), then that could be covered by TAA training funds. If the school is not offering online classes, and is therefore on a break, then the Extended Benefits work test does not apply in this case.

QUESTION #2

If a TAA participant finds a job during this period, can the individual later return to the training program and resume training, or should the individual apply for a new training program?

RESPONSE ANSWER #2

The individual may return or resume his or her approved TAA training plan. Amending or modifying that training plan is best addressed on a case by case basis. No individual shall be entitled to more than one training plan under a single certification, in accordance with 20 CFR 617.22(f)(2).

QUESTION #3

What if an individual is on a waiver from training and stops looking for work because of COVID-19? The individual has not stated that he or she is sick, but the individual does not want to look for work at this time. Does the State Workforce Agency continue to pay benefits?

RESPONSE ANSWER #3

All Trade Readjustment Allowances (TRA) require the individual to meet the Extended Benefits (EB) work test unless the individual is participating in TAA training. The EB work test provisions within State law govern whether this individual may be eligible. Please refer to 20 CFR 615.8(d), (e), (f), (g).

QUESTION #4

If the payment of benefits is allowed while an individual is not in school, will the individual be required to satisfy the Extended Benefit (EB) Work Test for each week he or she is not in school?

RESPONSE ANSWER #4

Without participation in TAA training, only basic TRA payments are allowed. If there is a cessation in TAA training, the EB work test does not apply, but nothing prevents the individual from continuing to seek employment. Additional and Completion TRA are not payable without participation in TAA training. Accordingly, conducting the EB work test is not required but nothing prevents the individual from continuing to seek employment.

QUESTION #5

How long should State Workforce Agencies continue to pay Additional TRA Benefits?

RESPONSE ANSWER #5

Benefits are payable if the individual is eligible. Additional TRA is payable for a maximum of 65 weeks after exhaustion of Basic TRA while the individual is in approved TAA training. Additional TRA is payable during the consecutive calendar weeks that occur in the 78-week period that begins immediately following the last week of entitlement to Basic TRA, the first week of approved TAA training if the training begins after the last week of entitlement to Basic TRA, or the first week in which TAA training is approved, if such training already has commenced (although Additional TRA or training costs may not be paid for any week before the week in which the TAA training was approved). See TEGL No. 5-15, Change 1, Attachment A, Section C.6. (Maximum Number of Weeks of TRA and Duration) for more information.

QUESTION #6

Can TRA be paid to individuals whose full-time training is reduced to part-time due to COVID-19?

RESPONSE ANSWER #6

Under Sec. 236(g)(2) of the Trade Act of 1974, as amended, individuals cannot receive TRA for part-time training.

QUESTION #7

Due to COVID-19, if an individual requires a computer to continue his or her classes, even if the computer is not documented as required for all students, will the cost of the computer be covered?

RESPONSE ANSWER #7

If a training institution requires that students take courses online due to COVID-19 and the individual does not have the equipment needed to continue his or her classes, then a computer is a requirement, and that cost should be covered accordingly. As ever, steps should be taken to set parameters around the reasonable cost of purchasing the computer.

Senior Community Service Employment Program (SCSEP)

QUESTION #1

We are in an area with confirmed cases of novel coronavirus disease (COVID-19) and/or an area that is taking broad public health measures to prevent the spread of the virus. Are we allowed to pay participants whose host agency assignments or paid training activities are impacted by COVID-19, particularly in situations where regional or localized quarantine efforts prevent participants from attending training sites in person?

RESPONSE ANSWER #1

We recognize that the current COVID-19 outbreak presents unique challenges for SCSEP grantees and participants. The program's participants are particularly vulnerable for several reasons, including their reliance on SCSEP wages and benefits, as well as their age, which appears to place them in higher risk categories for complications due to COVID-19 disease. Grantees can act to minimize disruptions in the payments to participants of SCSEP wages and benefits, and to minimize the exposure risk encountered by SCSEP participants and grant staff. In addition, please refer to the Centers for Disease Control page on the novel coronavirus for the latest updates and medical advice:

<https://www.cdc.gov/coronavirus/2019-ncov/index.html>.

Note that, even in the unusual situation prompted by community transmission of the novel coronavirus, your SCSEP grant remains subject to the laws, regulations, and policies that apply to SCSEP, including the authorizing statute (Older Americans Act, Title V, 42 U.S.C. sec. 3056, et seq., as amended), the Uniform [Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards](#) (Uniform Grant Guidance at 2 CFR Part 200 and 2 CFR Part 2900), SCSEP regulations (20 CFR Part 641), applicable DOL guidance, and the terms and conditions specified in your grant award. However, depending on the situation in your communities, you have several options that may minimize disruption

to SCSEP participants while still adhering to the applicable rules. The options described below, alone or in combination, should help to prevent disruptions to many participants affected by the emergency. However, if for some reason, a participant goes more than three days without pay due to the crisis, such participant must be placed on an approved break until alternative arrangements are made in order to avoid a negative impact to the participant's durational limit calculation.

Use of Paid Sick Leave

In situations where COVID-19 impacts host agencies or paid training activities, or where in-person attendance by SCSEP participants may expose them or others to the risk of viral transmission, grantees can use paid sick leave consistent with their organizations' policies. Paid sick leave may serve as a means of limiting SCSEP participants' public exposure while minimizing disruption in the payment of participant wages and benefits.

The SCSEP regulations at 20 CFR 641.565(b)(1)(vi) state that "Grantees and sub-recipients must provide necessary sick leave that is not part of an accumulated sick leave program, which may be paid or in the form of rescheduled work time." The regulations do not further define what constitutes "necessary sick leave," nor do the regulations place minimums or maximums on the amount of sick leave that may be provided to SCSEP participants. Accordingly, grantees have flexibility to define these parameters through sick leave policies at the grantee level, provided that such policies adhere to applicable rules governing SCSEP grants, including the "Factors affecting allowability of costs" and "Reasonable costs" specified in Uniform Grant Guidance at 2 CFR 200.403 and 2 CFR 200.404, respectively. In general, consistent with 20 CFR 641.565(b)(1)(i), such policies must ensure uniform treatment of all participants under your project or sub-project. Grantees should already have such policies in place, but in light of the scope of the current situation, we encourage you to either review existing policies and amend them as necessary, or initiate new policies to govern the use of paid sick leave.

Rescheduled Work Time

Consistent with the SCSEP regulations' treatment of sick leave as cited above, where feasible, you may allow participants to "make up" missed time in a community service assignment or paid training activity by rescheduling the activity to a later date when the site reopens. The SCSEP regulations do not limit the opportunity to make up time to the next payroll period. As noted above, to ensure consistent and equitable treatment of sick leave, we encourage you to ensure that your organization's sick leave policies address situations in which participants receive paid sick leave versus rescheduled work time.

Assignments in Temporary Host Agencies and/or Remote Training Opportunities

Depending on the situation in your communities, you may also assign participants to perform community service training with temporary host agencies. For example, if you are in an area without broad community transmission, but one host agency must temporarily close due to suspected COVID-19 exposure, it may be appropriate to temporarily assign affected participants to an alternate host agency (note that affected participants would need to be reassigned accordingly in SPARQ).

Alternatively, you may engage participants in permissible online training activities or SCSEP meetings conducted remotely. Any training or supportive services activity that would normally be allowable

under SCSEP can be used in an emergency situation such as COVID-19 (in this instance, participants would remain assigned to their current host agencies). Such activity must be reasonable and documented. Keep in mind that specialized training activities must align and be consistent with the participant's Individual Employment Plan.

QUESTION #2

To implement the options above, what should my next steps be, and will ETA need to approve my plan?

RESPONSE ANSWER #2

In many cases, you will be able to implement the activities described above without a formal modification to the grant statement of work (SOW), and without specific additional formal approval from ETA.

In particular, if you decide to amend or change your organization's sick leave policy (for paid sick leave and/or rescheduled work time) for SCSEP participants affected by COVID-19, this will not require a modification to the grant SOW. While your grant documents include program assurances in which you agreed to maintain policies and procedures covering necessary sick leave, we do not consider such policies part of your SOW; rather, they are policies that your Federal Project Officer (FPO) may review later during grant monitoring (similar to your other policies on fiscal controls, etc.) to ensure compliance with the grant terms and conditions.

Regarding the option to provide temporary host agency assignments to affected SCSEP participants, this activity should generally already be covered by your current SOW, since host agency assignments are a core component of every SCSEP project. Accordingly, a SOW modification would not be required to implement this activity.

Regarding remote training opportunities, these activities may also still fall under your current SOW and budget. However, depending on your current budget and whether or not you have a current Program Year 2019 approval for Additional Training and Supportive Services (ATSS) (per 20 CFR 641.874), you may need to modify your budget and/or submit an ATSS request to ensure that your proposed activities are properly reflected in your grant agreement. As needed, please work with your FPO to determine whether such requests are necessary.